1930.

Department of Lands

OFFICE of the Board of Rev

STATION Hobart

This **No.** 1558

K 305

Dated 26-5-30

To whom sent	Date	Initial
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	Examined 5.VM	AV
	Signed	
	Given for despatch	
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192

Department of Latsd

OFFICE of the Resident

STATION Kadena

This **No.** 1558

Dated 26-5-30

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Bcs

8 JAN. 1930

GOVERNMENT OF MADRAS

BOARD OF REVENUE * LAND REV. & SETTLEMENT * 8-JAN 1930

Revenue Department.

Allowances - Tastik - (South Kanara) - Mangalore taluk - Ullal village - Makaraya Daivastan - stoppage of payment.

From Ramappa and Krishnappa dated 24th December 1929.

Endorsement No.6 B/30-1 dated 6th January 1930.

Transferred to the Board of Revenue for disposal.

H.R.Pate

Secretary to Government.

To

The Board of Revenue, Land Revenue and Settlement

(with the petition in original)

Copy to Ramappa Pujari,

hereditary pujakan and Manager

of the Mallaraya Daivastan,

Ullal village, Mangalore taluk,

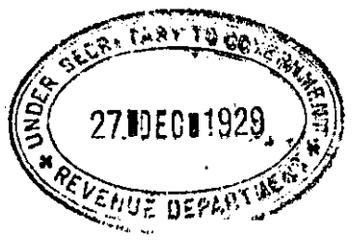
South Kanara district.

F o r w a r d e d.

(By order)

Superintendent.

S.R.



3/ K~

To

His Excellency.
The Governor-in-Council,
Fort St. George,
M a d r a s.

B V 3/1/30

Re:- Tastik allowance of Rs. 22/- per year from 1917 past and future of Shri Mallaraya Daivastan (Institution, No. 92 of Ullal Village, Mangalore Taluk, South Kanara District).

The humble memorial of Ramappa Pujari, brother of Aithappa alias Narna Pujari and his nephew Krishnappa, the hereditary Pujakans and Managers of the said Daivastan, the former residing in Ullal and the latter in M a n g a l o r e.

Dated 24th December 1929.

May It Please Your Excellency,

We, the undersigned memorialists humbly and respectfully crave leave to approach Your Excellency and lay our heart-rending grievances before Your Excellency for kind, sympathetic and favourable consideration, with a firm belief and hope that long delayed justice will be done to them in the matter of this religious

1. In the said Village of Ullal, the aforesaid Shri Mallaraya Institution No. 92 having an annual tastik allowance of Rs. 22/-, from the benign British Government assigned to it for lands resumed by it in olden times and which was being annually paid from the time of the resumption about one hundred years ago as it assumed the safe and sacred duty of paying the tastik as promised, in the place of the resumed land of the Daivastan.

2. The Diety of the said Daivastan was at first worshipped by the memorialists' ancestors in a room of their own house, in Survey No. 37/7 also, a Stan was built and a few bits of lands were acquired and the memorialists' ancestors and they themselves went on performing the puja ceremonies and managing its affairs, the eldest of their family holding Sanad. Since about more than three quarters of a century their ancestor one Lakkanna Pujari, after him one Poova Pujari after him Narna Pujari to whom title deed No. 90 dated 9th November 1875 was granted for the tastik Inam went on

performing the puja and other ceremonies and managing its affairs; and on the latter's death in about 1894 Aithappa alias Narna Pujari was doing the Pujaship, holding the trusteeship and managership and performing the ceremonies till his death in 1917. He was also holding Sanad from the old Billawar Temple Committee, as Sanad was then insisted upon by the Revenue Authorities before the tastik could be paid to the Institution, and he was collecting the tastik all along.

3. On his death in 1917 his brother the first memorialist applied to the old Billawar Temple Committee for a Sanad as Sanad was insisted on then by the Revenue Authorities. But the old Billawar Temple Committee who had jurisdiction to give the Sanad went on holding enquiries into the matter but for reasons unknown to the memorialists the members did not complete the enquiries conjointly or otherwise and grant the asked for Sanad. The three members of the Billawar Committee living in three different villages did not meet together to finally hold and complete the enquiry to grant the Sanad, inspite of repeated pressure and

urgings from time to time by the memorialists and others of the village. Owing to their inactivity and dilatoriousness, we presume they shelved the records until all three one after another member died without anybody else being appointed as members in their stead.

4. In the meantime the new Hindu Religious Endowments matter came before the Legislative Council. In less than six years after the death of the previous trustee (Aithappa alias Narna Pujari), the old Committee itself became non existing. The new Hindu Religious Endowment Act came into force and the old Act XX of 1863 was cancelled The result was that the tastik due to this poor institution was kept in Government Treasury, it is said, under some departmental rule of 6 years as the Sanad could not be produced from the old Committee, though the ceremonies and the repairs were being duly done in the Daivastan for which the tastik was replaced in the place of the lands resumed.

5. Now, the new Hindu Religious Endowment Act which subsequently became law, contemplates three sets of temples. The first, excepted temples,

the second, the ordinary temples having an annual income of more than Rs. 250/- and the third, the exempted temples including temples having an annual income of less than Rs. 250/-. (This may be even an income of Re.1/- or more). Thus the third set of temples do not come within the purview of the new Hindu Religious Endowment Act of 1925 which however swept away Act XX of 1863 along with its creation the old Committee.

6. Now the said Daivastan possesses only a landed income of Rs. 6/- and Kanika Rs. 25/- (including contributions from a few villagers of Ullal) per year. Thus the yearly income including the tastik of Rs. 22/- is not more than Rs. 53/- per year, so the Daivastan in question comes under the third set and so does not come under the new Act of 1925 and cannot be brought under it even voluntarily unless firstly for Rs. 53/- income, an assessment of three percent is paid to the Act authorities, and, therefore, falsely saying the income to be more than Rs. 250/- Even otherwise, the Committee under Act of 1925 was created only in 1928-29. Virtually no Sanad is now required

in the case of the memorialists and its production cannot be insisted on.

7. The ceremonies and repairs which had to be done w[illegible]nt be waiting for the payment of tastik and so were done by the memorialists now (as they had done by their ancestors) from their pocket or by borrowing as the sum of Rs. 53/- minus Rs. 22/- tastik unpaid hitherto was insufficient, Since 1917 the death of the previous trustee. So the tastik held by the Government in trust and which it undertook to pay on behalf of the temple for its benefit while resuming lands and which it has been paying regularly till 1917 remains in its Treasury for no fault of the Daivastan or its managers and Pujakans in the above circumstances and which is beyond their own control owing to the defect in law.

8. Besides, the Daivastan is something like a minor, and cannot talk or cry and is, therefore, under the special care of the Government and Courts created by it, if it not always in the position of a minor. Its said property is now in the hands of the Government which has under-

taken to pay to the Daivastan.

9. Further, Your Excellency's memorialists belong to the backward Community of tappers who are mostly illiterate and ignorant but hard-working with all that poor, not-withstanding their Community contributes Government incomes to an extent which is only next to land assessment in the Akbari Department. Certainly the memorialists firmly believe and hope that the Government holding its money cannot morally and would not think of depriving it of its money meant for the use of its devotees and even for their enjoyments according to its own standard.

10. Of the two memorialists though the first is the younger brother of the previous trustee (Aithappa alias Narna Pujari) still under the Aliasanthana law governing them, the second though only his nephew is elder to him in age and as such has now assumed the ejmanshi of the family. The first is, however, performing the puja and the Bhandara of the Daivastan is being in his house occupied by him and the second is living in Mangalore

very near the Taluk Office and the two are pulling on and managing together peacefully and in union. The second memorialist is, however, entitled to be recognised as the trustee entitled to collect the tastik from the Government Treasury.

11. Your Excellency's memorialists humbly beg leave to submit that when they approached the Collector of South Kanara he passed the following order in September 1929:-

> The Religious Endowment Act of 1925 is being extended to minor temple in the district and they (the memorialists)are required to wait until the smaller temples as this Daivastan is brought under the Act'

12. Now the Daivastan is very poor and small, it requires daily or weekly expenses to be met and consequently its ceremonies and repairs cost money. The memorialists met the expenditure from their pockets or borrowing at interest for the last twelve years. The contribution asked to be made to Hindu Religious Endowment Authorities will

add further expenditure out of the already little income, if it be brought out under the Act. Is it just and reasonable and proper to ask the memorialists to wait for a new law instead of applying the old law and to still longer wait for getting their small money depending upon which they had already spent for nearly twelve years for necessary ceremonies and repairs to preserve the temple buildings and perform the ceremonies which might go otherwise to dogs for no fault of the memorialists but for the bunglings of the framers of the bill.

13. Further, the Act was passed in 1925 but the new Committee was appointed only in 1927-1928. Eventhe aforesaid order of the Collector was passed in September 1929; still the minor temples have not been brought under the Act. Apart, the small income of Rs. 53/- can bring only about 12 annas to the Act authorities for the enormous duties which they shall have to do under the Act.

14. On the other hand, the memorialists who are the persons in possession of the Daivastan can be

very easily ascertained by the Collector through his officers by visiting the Daivastan, etc. and the tastik may be paid to them (the actual managers) as they must have been spending for the ceremonies and repairs.

15. In these circumstances, Your Excellency's memorialists most humbly pray that pity may be shown to them the second memorialist's name may be ordered to be brought on the tastik register and the past and future tastiks may be directed to be paid to him on behalf of the said Daivastan.

For which act of justice and kindness memorialists ever pray,

Vo Krishnappa

Ve Ramappa.

AS. (LR)

Allowances - Tasdik (Kanara S.) - Mangalore Tk - Pillal Vge - Makaraya Daivastan - Stoppage of payment - Ramappa & Krishnappa - Memorial

K.305/30 ——— Q

Ref. K 305 - 30 - Dy. 9 - 1 - 30

Referred to the Coll.r of S. Kanara for the submission of the connected records with his remarks on any of the allegations in the memorial not already dealt with.

8.1.30

9.1.30

9/1/30

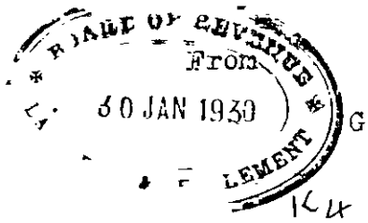
Issued
9.1.30

25 - K 1035

D.Dis.No.835-30. South Kanara Collector's Office,

Mangalore, 24th January 1930.

Rp. 165.



From

G. W. Wells, Esquire, M.A., I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Allowances - Tasdik - (Kanara South) - Mangalore Taluk - Ullal Village - Mallaraya Daivastanam - stoppage of payment - Memorial from Monappa and Krishnappa - Report submitted.

****

Board's reference K.305-30-1, dated 9th January '30.

****

In their petition dated 12th June 1929 to me, the petitioners (memorialists) requested that the 2nd petitioner may be appointed as Moktessor of the Institution in question and all arrears of tasdik be disbursed to him. The petition was referred to the Tahsildar, of Mangalore for enquiry and afterwards the opinion of the Hindu Religious Endowments Board was requested in the matter. The reply of the ----- Religious Endowments Board will be found at page 17 c.f. of this office file D.Dis.5378-29 which contains the papers of enquiry.

(K)

The petitioners in their memorial have not referred to the final sentence of the order passed by me on their petition (D.Dis.5378-29). If they were really in a hurry about the payment of the tasdik, they might have acted under it. They cannot certainly expect the Government to pay tasdik to people who are not authorised to receive it.

(V)

In G.O.No.Press 4986 L.& M. dated 16th December '27, the old Temple Committees in this District were abolished. In para 3 of the memorial, the petitioners state that they

pplied as early as 1917 for a sanad; but the application as shelved for one reason or other and the old Billavar emple Committee is blamed for non grant of the sanad. t is alleged that in less than six years after the death f the last trustee (Aithappa alias Narna Pujari) the old illavar Committee it-self became non-existent the members aving died. The question as to who is to be blamed for he non grant of sanad will be looked into, when the sanad oktessors for this institution apply for payment of the rrears of tasdik. Neither of the memorialists hold any anad and it is quite premature to anticipate whether the istrict Temple Committee will appoint them as Moktessors hen the Hindu Religious Endowments Act is extended to this nstitution.

As averred in para 6 of the memorial, the institution t present does not come under the Hindu Religious Endowments ct, because its income is said to be below Rs.250/-. The indu Religious Endowments Act is being extended to minor emples in the District.and as intimated by the President, indu Religious Endowments Board in his letter, dated 23rd ugust 1929, neither the Board nor the District Temple ommittee can at present appoint trustees for the temple. here there is no trustee, no tasdik can be paid.

The objection raised in para 12 is frivolous. The inor temples are not being asked to contribute towards the xpenses of the Board.

The memorialists ought either to wait till the Hindu eligious Endowments Act is extended to the institution in uestion or move the Religious Endowments Board to expedite he extension of the Act to the institution. They can then pply to the Temple Committee for a sanad. The question of ayment of tasdik can only be considered when a person with he proper sanad applies for it

The memorial received with the reference and this ffice file D.Dis.5378-29 are enclosed. The latter may be eturned when no longer required.

Your obedient servant,

Allowances - Jasdik (Kumara S.)
Mangalore Tk Ullal vge. Mallavaya
Daivastan - & Stoppage of payment.

K. 305/30 ——— Q

K. 1035/30 ——— Q.

Ref. K 305-30-2 & 22-2-30 ———

The coll^r is requested to repor
on the following points:-

(1) whether the trusteeship of the
institution is hereditary as alleged
the memorialists.

(2) whether there are any rival
claimants.

(3) whether the institution in questio
is in proper repair.

(4) whether the services have been
rendered properly during the perio
for which the Jasdik has been in
arrears.

& (5) the dates on which applicati
were made to the Billawa
Committee and the Rev. Dept. for
the grant of a sanad and for the
payment of the Jasdik.

BOARD OF REVENUE
LAND REVN. & SETTLEMENT
12 APR 1930

29

Revenue DEPARTMENT. C.F. 23.

Branch.

REMINDER REPLY.

TO THE Collector of South Kanara.

To THE Secretary to Govt Land Revenue

APP 1930

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned ~~at once~~ with information as to—

4 K No. 305/30-2, dated 22-2-30

(1) the stage at which ~~the matter now is~~, and

(2) the date by which a reply may be expected, ~~and~~

~~(3) the circumstances which have caused the delay.~~

2. It is requested that the reply to this reminder may be sent not later than 15. 4. 30.

Submitted

The reference is from the Collector of ... who has ... directs to expedite the report

As (L|R)

Field.

The Collector may be nomin

again on 1.5.80.

14.4.80

2
4.30

14.4.80

R.O.C.2455-30-B1. South Kanara Collector's Office,
Mangalore, Dated 2nd May 1930.

From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

The Secretary to the Board,
Land Revenue and Settlement,
M a d r a s.

6-5-30.

Sir,

Allowances - Tasdik -(South Kanara) -Mangalore Taluk - Ullal village - Mallaraya Daivastana - stoppage of payment.

Board's reference Ref.K-305-30-2 dated 22-2-1930.

The enquiry held in the above matter shows that

(1) the trusteeship of the institution is hereditary.

(2) there are no rival claimants to the trusteeship.

(3) the institution is in good repair.

(4) the services have been rendered properly during the period for which tasdik has been in arrears.

2/ A petition seems to have been made to the Billava Committee for the appointment of moktessors on 31-1-1919. Please (K) see page 11 of D.Dis.5378-29 dated 18-9-29. The petitioners, however, allege that they had made an applicatinn for grant of Sanad on 22-5-1917. On 12-6-29, the petitioners filed a petition before me requesting that one of them may be appointed as moktessor and all arrears of tasdik paid to him. This petition (K) is at pages 1-9 of D.Dis.5378-29 dated 18-9-29 enclosed for reference and return.

Your obedient servant,

Illegible
2-5-30
For Collector.

2.5.30

33

Revenue Department. C.F. 98-

REMINDER. Land Records Branch. **REPLY.**

To The Collector of South Kanara

To The

The undersigned ~~has the honour to~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned at once with information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) the circumstances which have caused the delay.

2. It is requested that the reply to this reminder may be sent not later than 12.5.30

Ref K No 1305/30 dated 22.2.30

MAY 1930

Office of the Board of Revenue

Station Madras

Dated 3.5.30

Signature, for Ramachandra
Lt Col Senior Superintendent
Designation.

16

SUBJECT 3-5-30

Alienation - Tasdik (Kanara South)
Mangalore Tk - Nellal village - Hallasa
Daivastan - Stoppage of payment.

Resubmitted.
The Board's ref
... to ...

R. F. XXII-A-19.—26,004 - 31-1-29 (6).

Subject.—

FOR MEMBER.

AS (LR)

Allowances - Dasdik (Kanara South) Mangalore taluk - Mal village - Mallaraya Daivastanam - Readmission and payment of arrears - Sanction

READ AGAIN B. P. No. _____, dated _____ 192

" " _____ 192

READ ALSO :— K 305/30 (forwarding the petition of Ramappa Punjari and Krishnappa, hereditary pujaries and managers of Mallaraya Daivasthan dated 24-12-29) to the Board

Register No. _____, From the _____, No. _____, dated _____ 192

Ref. K. 305/30 - 1 & 9-1-30 (¶ 23 cf.)

" " _____, " " K 1035/30 (¶ 25-26 cf.) " 192 Q to call for

Ref K 305/30 -2 & 22.2.30 (¶ 29 cf.)

" " _____, " " B. 2032/30 (¶ 31 cf.) " 92

RESOLUTION. Mis No. 1558, dated 26. 5. 1930

The Board considers ~~that~~ memorialists' that the ~~Petitioners'~~ claim to the arrears of the allowance should be readmitted and ~~accordingly~~ sanctions the payment to them of the arrears for six years from 1924 to 1929 subject to the usual deductions ~~laid down~~ specified in note 3 to B.S.O. 67-2.

21. The ~~petitioners~~ memorialists are referred to the Collector of South Kanara for orders on their ~~petition~~ memorial to Govt. & 24.12.29.

S
A.S.(L.R)
148
1925
172

ALLOWANCES – Tasdik – (Kanara South) – Mangalore Taluk – Ullal Village – Mallaraya Daivastan – Stoppage of payment.

Board's Ref. K. 305/30-1 dated 9-1-30 ... p. 20 c.f

K. 1035/30 ... pp. 21 to 22 c.f

To A.S. (L.R).

The memorial at pp. 2-19 and the Collr's letter at pp. 21-22 c.f. are for perusal.

The facts of the case are in brief the following:-

The memorialists are the hereditary trustees of Shri Mallaraya Daivastan in Ullal Village, Mangalore Taluk, South Kanara District. The previous trustee died in 1917. The Billawar Temple Committee was soon after addressed by the appellants for the issue of a sanaad. The Committee did not issue it for a long time and was abolished in 1927. The annual tasdik of Rs.22/- has been left undisbursed from 1917 onwards. The memorialists request that the second memorialist may be registered as trustee and the arrears paid to him.

The Collr. reports that the temple is to be brought under a committee to be appointed by the H.R.E. Bd., after the Act is extended to minor temples and that the memorialists should wait till they obtain a sanaad from that committee. He also states that the memorialists should in the alternative apply to the H.R.E. Bd., for the extension of the

the Act, to the institution in question at an early date. They allege that they have maintained the temple in repair all these years and have also performed the services therein.

The main point for note is that the institution in question is not at present under the superintendence of any temple committee. Under Section 2 of Regulation VII of 1817 the superintendence of all endowments religious and charitable is vested in the Board of Revenue;. Act XX of 1863 was passed with a view to relieve the Board of the duty of supervising religious institutions and under Section 7 of the Act the committees appointed under it took the place of the Board of Revenue. One of such committees was the Billawar Committee which was abolished by the G.O., of 1927. The Committee to be appointed by the H.R.E. Bd., has not yet come into existence and the Act itself has not yet been extended to all minor temples. The question for consideration is whether it may not be taken that the superintendence of the institution in question has reverted to the Board, on the abolition of the Billawar Committee. If this view is accepted the institution may be taken to fall under B.S.O. 78(ii) and ~~it may be taken~~ not to be ~~not~~ under the control of any temple committee, and the Collr. may be requested to report on the following points:-

(V)

(1) Whether the trusteeship of the institution is hereditary as alleged by the memorialists,

(2) Whether there are any rival claimants.

(3) Whether the institution in question is in proper repair.

(4) Whether the services have been rendered properly during the period for which the tasdik has been in arrears.

(5) the dates on which applications were made to the Billawar Committee and the Revenue Department for the grant of a sanad and for the payment of the tasdik respectively.

For orders.

17.2.30

17.2.30

We may take the view authorised the writ & ask for the Collr's report on the petn. noted above

17/2

17/2

may be readmitted.

(3) the period for which the arrears should be paid.

Point (1).-

The trusteeship of the institution is reported to be hereditary, and there are no rival claimants to the trusteeship. The services have been properly rendered by the petitioners during the period for which the allowance is in arrears. The petitioners may therefore be considered as the proper claimants to the allowance.

p31 cf.

17-5-30
19-5-30

Point (2).-

The allowance lapsed to Govt. in 1923, owing to non-drawal of it for more than six years since 1917 - Vide para 7, B.S.O.67-1 But the claim to the allowance can be re-admitted provided that the failure to claim it in time was not due to neglect, but from disability. The Collr. reports that a petition seems to have been made to the temple-committee by the petitioners on 31-1-19, for their appointment as Moktessors, to whom only the allowance could be paid. It is alleged that the petitioners made an application for granting a Sanad on 22-5-17, and that the committee had not appointed any trustee, since the date of their petition dated 31-1-19, until it was abolished in 1927. The failure to draw the allowance was not therefore due to neglect on the part of the petitioners and their claim to the arrears may be admitted.

Vide portion marked C at p10 of (K)

para 2, p31 cf

(V) G.O.No.4986 L&M dt 16-12-27

17-5-30
19-5-30

Point 3.- The allowance was not drawn for nearly 13 years i.e. from 1917. It is usual to sanction the arrears which have not been sought, only for 6 years, subject to the deductions prescribed in note 3 to B.S.O. 67-2as it is the period of limitation in such

M. 4-5 (K) (O)

cases. But the petitioners might be taken to have put forth their claim as early as 1919, when they applied to the committee for being appointed as Moktessors, so that they might draw the allowance. No decision appears to have been arrived at by the Committee for a long time, until it was abolished in 1927. The next time the petitioners applied was before the Collr. ~~was~~ in 1929, after a period of 10 years from the date of their first application before the Committee. The services were properly kept up during the period. As it is not usual to sanction arrears for more than 6 years -(Vide notes and orders at pp.3-5 of B.P. at. [illegible]), the payment of the arrears for six years from 1924 to 1929 may be sanctioned subject to the usual deductions.

15.5.30

16.5.30